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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,203	06/22/2001	Teruyoshi Yasuda	P/3812-13	7525

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EXAMINER
NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 08/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/887,203	YASUDA ET AL.	
	Examiner	Art Unit	
	Tran N. Nguyen	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) 1-4 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

The following is a quotation of 37 CFR 1.71(a)-(c):

The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

1. **The specification is objected to under 37 CFR 1.71 as failing to provide a clear description of how the device works.**

The present invention is disclosed to be characterized in having:

a motor including a rotor arranged in a first location of the axle, driven and rotated by an electromagnetic force imparting means and having permanent magnets in its outer periphery, the electromagnetic force imparting means fitted with n electromagnets and capable of producing an electromagnetic force with the use of an input power; and,

a generator fitted with a magneto coil and arranged in a second location of the axle, wherein, with respect to the axle, *a dimension of position of n electromagnets* capable of imparting of a rotary driving force to the rotor *in the electromagnetic force imparting means* ***is larger than*** *a dimension of position of magneto coil in the generator* thereby enable takeout, from the turning force takeout part of the axle, of a rotational energy greater than an energy equivalent to an input power applied to the electromagnetic force imparting means.

With this structure, the spec. discloses that the present invention is to provide a *power plant which enables taking out a rotational energy greater than an input energy* (spec., page 2). Furthermore, the present invention claimed that the power plant utilizes the torque of the rotor attributed to the dimentisonal differences between the position of number of electromagnets in

the motor and the position of magnetic coil of the generator *to enable* ***takeout of a rotational energy (i.e, rotational output energy) greater than an input power*** *applied to the electromagnetic force. Furthermore,* ***an output power greater than the input power*** *applied to the to the electromagnetic force imparting means can be taken out from the generator* (spec., pages 3-5).

In other words, the so-called "an electromagnetic force imparting means" is defined by the motor's electromagnets (12 sub. 1 to 12 sub. 16), having a dimension that is larger than the dimension of the generator's coil (22) would enable ***rotational output energy greater than an input power*** *applied to the motor's electromagnets. Furthermore, the generator can generate* ***an output power greater than the input power*** *applied to the to the motor's electromagnets.*

The principle of the magnetic field strength generated by coil winding (also called electromagnet) is known as a function of the number of coil turns and amount of current flowing through the coil. Also, the motor torque of a motor is determined by the reactive strength of the magnetic fields created by the coil winding and the magnet in a motor. Thus, adding coil turns can increase the motor torque. Hence, a coil winding (also called electromagnet) having large dimension would have higher coil turns and/or large size of wire gauge.

Based on aforementioned principle, the present invention's larger-dimensional electromagnets (12 sub. 1 to 12 sub. 16), which are disclosed as magneto coil, would require higher input energy (i.e., current supply) to function as the so-called electromagnetic force imparting means. Also, with the electromagnets' large dimension inherently having heavier mass, there would be high fiction loss therein. Thus, respectively considering the two factors of high input energy supply requirement and high friction loss in the operation of the instant invention, it is unclear how can the larger-dimension electromagnetic imparting means would enable the smaller generator coil to produce greater output power than the input power. This violates either the First or Second Law of Thermodynamics, known laws of physics dealing with conservation of mass and energy.

As a support evidence, the instant application (spec. page 12) discloses that "[a]ctually, there exist influences of, for example, the frictional resistance of rotor 1, power loss and material weight, and the magnetic force of magneto coil 22 competes with the magnetic force of electromagnet 12. Therefore, ***it is difficult to realize the relationship: input power < output***

(output energy)." Thus, as contradict as the present invention's disclosure appears to be, nevertheless, the applicant seems to evidently admit that it is difficult to obtain the output power to be greater than the input power.

In conclusion, this instant application is considered as a perpetual motion machine. A perpetual motion machine is claimed to either (1) require less input power to produce more output power; or (2) to require no input power at all, for self-producing input and output power.

It is the policy of the U.S. Patent and Trademark Office to require a working model to be provided before a patent can be granted for perpetual motion machines. The applicant needs to clearly indicate in his response to this action how this device differs from a perpetual motion machine, and must provide an enabling disclosure for his invention.

2. **The specification is objected to under 37 CFR 1.71 as failing to provide a clear description of the invention**.

Throughout the disclosure, there is the phrase "***a dimension of position of imparting of a rotary driving force*** *to the rotor in the electromagnetic force imparting means* ***is larger than a dimension of position of output power production*** *in the generator*". This phrase is confusing because it is unclear how one would able to determined a *position's dimension of* imparting of *a rotary driving force* (to a rotor) and the *position's dimension of output power* production (in a generator). Both driving force and output power are not physical matter, which has size, shape, and dimension. In light of the spec., as a whole disclosure, the aforementioned phrase is understood as the following:

"the motor's electromagnets (12 sub. 1 to 12 sub. 16), having a dimension that is larger than the dimension of the generator's coil, wherein respectively the electromagnets functions as electromagnetic force imparting means which provides a rotary driving force and the generator coil produce output power."

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

3. **Claims 1-4** are rejected under 35 U.S.C. 101 because the specification indicates that what the applicant trying to patent is a perpetual motion machine, see the objection to the spec for detail.

The applicant must provide a working model of the disclosed invention before the application can be further examined unless the applicant is able to clearly indicate in his response to this action how this device differs from a perpetual motion machine, and must provide an enabling disclosure for his invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the **first paragraph of 35 U.S.C. 112:**

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1-4** are rejected under **35 U.S.C. 112, first paragraph**, for the reasons set forth in the objection to the specification.

The following is a quotation of the **second paragraph of 35 U.S.C. 112**:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. **Claims 1-4** are rejected under **35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1:

"*the use of an input power*" lacks antecedent basis;

"*a dimension of position of imparting of a rotary driving force to the rotor in the electromagnetic force imparting means is larger than a dimension of position of output power production in the generator*" is indefinite because it is confusing and unclear how one would able to determined a *position's dimension of* imparting of *a rotary driving force* (to a rotor) and the *position's dimension of output power* production (in a generator). Both driving force and output power are not physical matter, which has size, shape, and dimension.

Appropriate corrections required.

In claim 2:

"*an axle fitted with a turning force takeout part*" is indefinite because the independent previously recite "an axle", herein claim 2 recites "an axle" again. Therefore, it is unclear that the power plant further comprising another axle or the same previously recited axle. If the later is the case, clear antecedent basis for the subject matter must be established.

"*a rotor arranged in a first location of the axle, driven and rotated by an electromagnetic force imparting means and having permanent magnets in its outer periphery said electromagnetic force imparting means fitted with n electromagnets and capable of producing an electromagnetic force with the use of an input power, and a generator fitted with a magneto coil and arranged in a second location of the axle, said electromagnetic force imparting means fitted with n electromagnets*" is indefinite because of the following:

(i) the independent previously recite "a rotor", "a an electromagnetic force imparting means" and "a generator", herein claim 2 recites "a rotor" and "a an electromagnetic force imparting means" and "a generator" again. Therefore, it is unclear that the power plant further comprising another rotor, another electromagnetic force imparting means and another generator

or the same previously recited subject matters. If the later is the case, clear antecedent basis for the subject matter must be established.

(ii) it is unclear that the rotor having permanent magnets or the electromagnetic force imparting means having permanent magnets in the outer periphery.

(iii) the term "its" does not clearly set reference for a referred subject matter.

(iiii) "n" should be clarified as an integer parameter.

Appropriate corrections required.

In claims 3-4:

similar indefinite and unclear issues as aforementioned in the rejection against claim 2 also occurs in the claims 3-4. Appropriate corrections as in claim 2 applied to claims 3-4.

The above are but a few specific examples of indefinite and functional or operational language used throughout the specification and claims, and are only intended to illustrate the extensive revision required to overcome the objection to the spec., and the rejections to the claims. The above-mentioned corrections therefore, are in no way a complete and thorough listing of every indefinite and functional or operational language used throughout the spec. and claims. Applicant is required to revise the spec., all of the claim completely, and not just correct the indefinite and functional or operational languages mentioned.

No rejection based on prior art is given at this point of prosecution. MPEP 2173.06 states:

"...where there is a great deal of confusion and uncertainty as to the proper interpretation of the limitations of a claim, it would not be proper to reject such a claim on the basis of prior art. As stated in In re Steele , 305 F.2d 859, 134 USPQ 292 (CCPA 1962), a rejection under 35 U.S.C. 103 should not be based on considerable speculation about the meaning of terms employed in a claim or assumptions that must be made as to the scope of the claims."

Given the great deal of confusion and uncertainty as to the proper interpretation of the limitations of claims, it would not be proper to reject claims 1-4 on the basis of prior art.

Communication

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N. Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.

Tran N. Nguyen
Primary Examiner
Art Unit 2834

August 17, 2002